

## **REMARKS**

Independent claim 1 stands rejected as being anticipated by U.S. Patent No. 6,263,245 to Snell ("Snell") under 35 U.S.C. § 102(e).

Snell discloses a portable interrogation device for obtaining data from an implantable medical device for subsequent delivery of the data to a data processing device. Snell obtains and stores the data. At a later time, the portable interrogation device is interfaced with the data processing device for transfer of the data.

The present invention is directed to use in emergency settings wherein a clinical instrument having a user interface can be deployed to provide at least a subset of programmer functionality for an implantable medical device. See paragraph [008] Such circumstances by necessity require a real-time interaction between attending medical personnel and the patient. In contrast, Snell is concerned with patient visits to a clinic for a routine, scheduled medical check-up. The aim of Snell is to reduce the amount of time that is spent in patient evaluation at the clinic during a medical check-up visit. Snell's solution to this very different problem is to have the patient conduct an interrogation of an implanted medical device on his own prior to arriving at the clinic. The data is then input to a high-speed programmer/analyzer at the clinic for evaluation. See Snell at col. 3, lines 19-54.

The apparatus of claim 1 provides a module adapted for use with a clinical instrument having a user interface to provide at least a subset of programmer functionality for an implantable medical device. Clearly, the portable interrogation device of Snell affords no such capability and relies upon being connected to a programmer. Essentially, the apparatus of claim 1 serves to adapt a clinical instrument for operation as a programmer for an implanted medical device. As such, the module of claim 1 includes not only telemetry and a connector for coupling to a clinical instrument, it also includes means for coordinating real-time

communication between the telemetry circuit and the clinical instrument user interface. Snell is incapable of performing that function.

Applicants submit that the pending claims are in form and condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after reconsideration in view of this response, the Examiner is requested to telephone the undersigned attorney to attend to those matters. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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